

EXHIBIT 26

Jeffrey Weiss vs Albertsons Companies
William Edward Longo, Ph.D.

January 13, 2023

CV2021-090946

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

JEFFREY WEISS and LAUREEN
WEISS,

Plaintiffs,

v.

ALBERTSONS COMPANIES,
INC.f/k/a ALBERTSONS INC.
(sued individually and as
successor-in-interest to
AMERICAN DRUG STORES, INC.
successor-in-interest to
JEWEL-OSCO, INC.
successor-in-interest to OSCO
DRUGS, INC.), et al.,

Defendants.

No. CV2021-090946

VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION OF
WILLIAM EDWARD LONGO, Ph.D.

Suwanee, Georgia

January 13, 2023

Prepared by:
CINDY MAHONEY, RPR, RMR
Certified Court Reporter
Certificate No. 50680

**CERTIFIED
TRANSCRIPT**

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| <p>1 A. The PLM analysts, so they knew what to look for.</p> <p>2 Q. And the person that has trained your PLM analysts,</p> <p>3 that's you; right?</p> <p>4 A. I didn't train them initially. These -- our PLM</p> <p>5 analysts have been here for 30 years. They were initially</p> <p>6 trained by Walter McCrone.</p> <p>7 What we did was -- we got the Calidria and</p> <p>8 then the analysts -- when I say training, the analysts were</p> <p>9 looking at what the dispersion colors were and what the</p> <p>10 size was, that we figured out that was what we were seeing</p> <p>11 in the cosmetic talc.</p> <p>12 If you don't have that, a typical PLM analyst</p> <p>13 would not ever find it. If they saw it, they would think</p> <p>14 it was fibrous talc because of the yellow -- the yellow-ish</p> <p>15 gold.</p> <p>16 Q. So MAS's basis for finding chrysotile in talc</p> <p>17 is -- is tied to Calidria?</p> <p>18 A. It's tied to Calidria as the standard. You know,</p> <p>19 what does it look like at this size? And what are the</p> <p>20 refractive indices of the Calidria as compared to what</p> <p>21 we're finding for the chrysotile in the talc?</p> <p>22 And it is the same. And Calidria is</p> <p>23 chrysotile. It -- it allows the analysts to see that</p> <p>24 you're not going to see the magenta in the parallel, and</p> <p>25 you won't see the blue-ish purple in the perpendicular.</p> | <p>1 Q. And just so we're clear, since my question didn't</p> <p>2 get finished, I was intending to ask you whether any</p> <p>3 government agency had adopted Calidria as a standard for</p> <p>4 identifying chrysotile in talc. And as I understand it,</p> <p>5 your answer was no; is that correct?</p> <p>6 A. Not that I'm aware -- yes. No, not that I'm aware</p> <p>7 of.</p> <p>8 Q. Is there anything in the published literature</p> <p>9 indicating that Calidria serves as an appropriate standard</p> <p>10 for identifying chrysotile in talc?</p> <p>11 A. I'm not aware of anybody who has published that.</p> <p>12 The only person I'm aware of that has published anything</p> <p>13 about -- not saying Calidria but publishing that there is</p> <p>14 other types of chrysotile other than the 1866b standard</p> <p>15 that has higher refractive indices is Dr. Su and his</p> <p>16 latest -- in his last publication in Microscopy.</p> <p>17 Q. But -- but Dr. Su has not rendered an opinion that</p> <p>18 Calidria serves as an appropriate standard for identifying</p> <p>19 chrysotile in talc; correct?</p> <p>20 A. That is correct. What he wrote is that the 1866,</p> <p>21 there is other chrysotile that has higher refractive</p> <p>22 indices, which is what the Calidria shows, as well as</p> <p>23 what's shown in the cosmetic talc. That publication came</p> <p>24 out last year.</p> <p>25 Q. Dr. Longo, just to confirm here, is it -- is it</p> |
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| <p>1 It's a different set of refractive indices.</p> <p>2 Q. And the colors that you just referred to, those</p> <p>3 are the colors that align with the parameters in ISO</p> <p>4 22262-2 for the PLM analysis; correct?</p> <p>5 A. That's correct. Based on the NIST 1866 standard.</p> <p>6 And that standard is not appropriate for what we're seeing</p> <p>7 in the cosmetic talcs, because you're looking at these big,</p> <p>8 giant bundles that are for chrysotile-added products. So I</p> <p>9 don't dispute that, but that's not what you see in cosmetic</p> <p>10 talc.</p> <p>11 Q. Has any government agency adopted the view, to</p> <p>12 your knowledge, that [indiscernible]?</p> <p>13 THE COURT REPORTER: You cut out. I'm sorry.</p> <p>14 You cut out. "Has any government agency adopted the view,</p> <p>15 to your knowledge" --</p> <p>16 BY MR. WILLIAMS:</p> <p>17 Q. Let me -- I'll -- I'll start over.</p> <p>18 Can you hear me, Dr. Longo?</p> <p>19 A. I can hear you. And the answer is no, I'm not</p> <p>20 aware of any governmental agencies that have looked at</p> <p>21 this. You know, they might in the future when they've</p> <p>22 shown that it's there.</p> <p>23 The only other person -- the only other</p> <p>24 scientist I know that's now agreeing with me is</p> <p>25 Dr. Gunter.</p> | <p>1 true that all of your work over the last few years</p> <p>2 concerning PLM and consumer talc products has been solely</p> <p>3 in connection with litigation on behalf of talc plaintiffs?</p> <p>4 Is that correct?</p> <p>5 A. For cosmetic talc, that is correct.</p> <p>6 Q. And have you published anything at all in the</p> <p>7 peer-reviewed literature about the use of PLM for</p> <p>8 identifying chrysotile in talc?</p> <p>9 A. No, sir. As I stated earlier, we have a -- we</p> <p>10 have a couple things that we have to figure out before we</p> <p>11 can -- one, optimizing the method; and two, make a</p> <p>12 determination why the chrysotile in the heavy liquid</p> <p>13 density is getting in the -- in the pellet, which, because</p> <p>14 of the densities, it doesn't make sense.</p> <p>15 But as a scientist, you know, we're going to</p> <p>16 work on that, because I think that if -- why that's</p> <p>17 happening, that's got to be part of the publication. Why</p> <p>18 that's getting in the pellet when the density says -- the</p> <p>19 heavy liquid we're using says it needs to get in the light</p> <p>20 fraction.</p> <p>21 Q. And if I understand you correctly -- and I may not</p> <p>22 be -- are you saying that you're finding less chrysotile in</p> <p>23 the samples that have been subject to the heavy liquid</p> <p>24 separation than you are in the samples that are not subject</p> <p>25 to heavy liquid separation?</p> |

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| <p>1 this size.</p> <p>2 We may take some chrysotile and put it in a</p> <p>3 mill -- ball mill and get it down to the size and see if my</p> <p>4 theory is correct that it's not so much where the</p> <p>5 chrysotile comes from; it's actually the size that affects</p> <p>6 the refractive indices.</p> <p>7 Q. And the refractive indices are affected by the</p> <p>8 size of the asbestos fibers?</p> <p>9 A. The size of the bundles. I think so. It's a</p> <p>10 theory I have that you -- the chemistry can't be that</p> <p>11 different to cause the refractive indices to be that</p> <p>12 different from the big old bundles that you see in the</p> <p>13 1866, the magenta and the purple-ish blue.</p> <p>14 Q. And -- and the Calidria asbestos is from Coalinga?</p> <p>15 A. Yes.</p> <p>16 Q. Where is that located geographically?</p> <p>17 A. Coalinga, California.</p> <p>18 MR. BAUM: Okay. Doctor, thank you. I have</p> <p>19 no other -- further questions.</p> <p>20 THE WITNESS: All right. Well, thank you,</p> <p>21 sir.</p> <p>22 MR. PURDY: Anyone else?</p> <p>23 MS. MARTIN: I have just one quick question.</p> <p>24 ///</p> <p>25 ///</p> | <p>1 familiar with Dr. Longo's opinions from previous cases.</p> <p>2 So with that, we'll reserve those questions</p> <p>3 for trial. We'll preserve the right to read and sign for</p> <p>4 Dr. Longo. And I think that --</p> <p>5 THE WITNESS: Actually, I'll waive.</p> <p>6 MR. PURDY: He'll waive. He'll waive the</p> <p>7 read and sign. Okay.</p> <p>8 So I think with that, we are all set.</p> <p>9 Anybody else have anything to put on the</p> <p>10 record? Great. Okay. Let's go off the record.</p> <p>11 THE VIDEOGRAPHER: Okay. We are off the</p> <p>12 record. It's 3:01 p.m. And this concludes today's</p> <p>13 testimony given by Dr. Longo.</p> <p>14 (The deposition concluded at 3:01 p.m. EST.)</p> <p>15</p> <p>16 (Signature waived)</p> <p>17</p> <p>18 WILLIAM EDWARD LONGO, Ph.D.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 EXAMINATION</p> <p>2 BY MS. MARTIN:</p> <p>3 Q. Hi, Dr. Longo. My name is Jennifer Martin. I</p> <p>4 represent Home Depot. I just have one question for you.</p> <p>5 You cannot state today that Mr. Weiss was</p> <p>6 exposed to a Home Depot gardening product with vermiculite</p> <p>7 that contained asbestos impurities; correct?</p> <p>8 A. That is correct.</p> <p>9 MS. MARTIN: Great. Thanks. That's all I</p> <p>10 have.</p> <p>11 THE WITNESS: You're welcome. Because you</p> <p>12 actually had one question.</p> <p>13 MS. MARTIN: Just one.</p> <p>14 THE WITNESS: That usually -- that usually</p> <p>15 never happens. "I've just got one question."</p> <p>16 MR. PURDY: Anybody else with questions for</p> <p>17 Dr. Longo?</p> <p>18 We then will reserve all of our questions for</p> <p>19 trial.</p> <p>20 Counsel is, obviously, in possession of</p> <p>21 Dr. Longo's report in this case, which I believe has been</p> <p>22 attached as Exhibit 1 to the deposition outlining his</p> <p>23 opinions in this case, as well as the Rule 26 disclosure</p> <p>24 previously produced, as well as the reliance materials.</p> <p>25 And counsel on this call in this case are certainly</p> | <p>1 STATE OF ARIZONA)</p> <p>2 COUNTY OF MARICOPA)</p> <p>3 BE IT KNOWN that the foregoing proceedings</p> <p>4 were taken before me; that the witness before testifying</p> <p>5 was duly sworn by me to testify to the whole truth; that</p> <p>6 the foregoing pages are a full, true, and accurate record</p> <p>7 of the proceedings all done to the best of my skill and</p> <p>8 ability; that the proceedings were taken down by me in</p> <p>9 shorthand and thereafter reduced to print under my</p> <p>10 direction.</p> <p>11 I CERTIFY that I am in no way related to</p> <p>12 any of the parties hereto; nor am I in any way</p> <p>13 interested in the outcome hereof.</p> <p>14 [] Review and signature was requested.</p> <p>15 [X] Review and signature was waived.</p> <p>16 [] Review and signature was not requested.</p> <p>17 I CERTIFY that I have complied with the</p> <p>18 ethical obligations set forth in ACJA 7-206(F)(3) and</p> <p>19 ACJA 7-206(J)(1)(g)(1) and (2). Dated at Phoenix,</p> <p>20 Arizona, this 27th day of January, 2023.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p> CINDY MAHONEY Certified Reporter Arizona CR No. 50680</p> |